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23 *Attorneys for Plaintiffs Lynn Slovin, Samuel Katz,*
24 *Jeffery Price, Justin Birkhofer on their own behalf,*
25 *and on behalf of all others similarly situated*

16 **UNITED STATES DISTRICT COURT**

17 **NORTHERN DISTRICT OF CALIFORNIA, OAKLAND**

18 LYNN SLOVIN, an individual, on her own
19 behalf and on behalf of all others similarly
20 situated,

21 Plaintiff,

22 v.

23 SUNRUN, INC., a California corporation,
24 CLEAN ENERGY EXPERTS, LLC, a
25 California limited liability company doing
business as SOLAR AMERICA, and DOES 1
through 5, inclusive,

26 Defendants.

Case No. 4:15-cv-05340-YGR
(Hon. Yvonne Gonzalez Rogers)

**STIPULATION TAKING CLASS
CERTIFICATION MOTION OFF
CALENDAR AND TO SET BRIEFING
SCHEDULE**

TAC Filed: July 12, 2016
Trial Date: None Set

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28 **STIPULATION TAKING CLASS CERTIFICATION MOTION OFF CALENDAR AND TO
SET BRIEFING SCHEDULE**

1 Plaintiffs Lynn Slovin, Samuel Katz, Jeffrey Price, and Justin Birkhofer (“Plaintiffs”) and
2 Defendants Sunrun Inc. and Clean Energy Experts, LLC (“Defendants”) (collectively, the
3 “Parties”), do hereby state that they participated in a settlement conference with Magistrate Judge
4 Corley on January 31, 2018. The Parties understand that Magistrate Judge Corley reported to the
5 Court the Parties’ significant progress at the January 31, 2018 settlement conference. In
6 accordance with Magistrate Judge Corley’s Order (Dkt. No. 174), the Parties hereby submit this
7 stipulation to take Plaintiffs’ motion for class certification (Dkt. No. 159) off calendar pending the
8 Parties’ continuing settlement discussions and to set a new filing and briefing schedule, if
9 necessary.

10 Accordingly, the Parties, by and through their respective counsel, hereby stipulate as
11 follows:

12 WHEREAS the parties obtained extensions on Defendants’ deadline to respond to the First
13 Amended Complaint by stipulation (Dkt. Nos. 9, 19) and by Court Order (Dkt. No. 24), to respond
14 to the Second Amended Complaint by Court Order (Dkt. No. 34), Plaintiffs’ deadline to file a
15 Third Amended Complaint (“TAC”) by Court Order (Dkt. No. 45), and Defendants’ deadline to
16 respond to the TAC by Court Order (Dkt No. 50);

17 WHEREAS the Case Management Conference was held in this matter on November 14,
18 2016 and a Case Management and Pretrial Order issued setting deadlines for the motion for class
19 certification; the exchange of expert reports; and a settlement conference (Dkt. No. 70);

20 WHEREAS the Court scheduled a settlement conference with Magistrate Judge Maria-
21 Elena James for February 14, 2017 and an ADR compliance deadline of February 24, 2017 (Dkt.
22 No. 70);

23 WHEREAS on February 28, 2017, the Court entered an Order continuing the deadlines for
24 the motion for class certification and the exchange of expert reports to permit the Parties sufficient
25 time to prepare for a private mediation. (Dkt. No. 84);

26 WHEREAS the Parties have diligently engaged in discovery, including having taken
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1 multiple depositions between February 2017 and November 2017;

2 WHEREAS on August 7, 2017, the Court entered an Order continuing the deadlines for
3 the motion for class certification and the exchange of expert reports (Dkt. No. 111);

4 WHEREAS on October 10, 2017, the Court entered an Order extending the deadlines for
5 the Parties to complete expert discovery (Dkt. No. 145). The Parties did not seek to modify the
6 deadlines for briefing and the hearing on the motion for class certification at that time;

7 WHEREAS Plaintiffs' motion for class certification was filed on December 8, 2017; along
8 with that motion, Plaintiffs filed an Administrative Motion to Seal (the "Administrative Motion");

9 WHEREAS on December 18, 2017, the Court entered an Order extending the deadline for
10 Defendants to respond to Plaintiffs' motion for class certification as well as the accompanying
11 Administrative Motion, the deadline for Plaintiffs to file a reply in support of their motion for
12 class certification, and the hearing on the motion for class certification (Dkt. No. 166);

13 WHEREAS on January 9, 2018, the Parties participated in good-faith in a private
14 mediation before Bruce Friedman, a JAMS mediator who has extensive experience presiding over
15 mediations, including TCPA class actions;

16 WHEREAS on January 26, 2018, the Court entered an Order extending the deadline for
17 Defendants to respond to Plaintiffs' motion for class certification as well as the accompanying
18 Administrative Motion, the deadline for Plaintiffs to file a reply in support of their motion for
19 class certification, and the hearing on the motion for class certification (Dkt. No. 173) so that the
20 Parties could adequately prepare for the settlement conference before Magistrate Judge Corley and
21 to give the Parties the best chance at resolving this matter;

22 WHEREAS on January 31, 2018, the Parties participated in a settlement conference with
23 Magistrate Judge Corley;

24 WHEREAS the Parties understand that Magistrate Judge Corley advised the Court of the
25 significant progress made at the conference and entered an Order directing the parties to submit
26 this stipulation taking Plaintiffs' class certification motion off calendar and submitting a new
27 briefing schedule (Dkt. No. 174);

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STIPULATION TAKING CLASS CERTIFICATION MOTION OFF CALENDAR AND TO
SET BRIEFING SCHEDULE

1 WHEREAS if final settlement is not reached by April 4, 2018, the Parties are to appear in
 2 person on April 5, 2018 for a further settlement conference with representatives with full
 3 settlement authority present (Dkt. No. 174);

4 WHEREAS the Parties have agreed to take the class certification motion off calendar in
 5 order to engage in continued settlement negotiations and to give the Parties the best chance at
 6 resolving this matter prior to the April 5, 2018 further settlement conference. The Parties further
 7 agree to set a new filing and briefing schedule for the class certification motion, if necessary.
 8 Because the relief requested in this stipulation will afford the Parties the best opportunity to
 9 resolve this case prior to the scheduled April 5, 2018 settlement conference, there is good cause to
 10 take Plaintiffs' class certification motion off calendar and set a new filing and briefing schedule.

11 IT IS HEREBY STIPULATED AND AGREED that, subject to Court approval, that
 12 Plaintiffs' motion for class certification (Dkt. No. 159) and accompanying Administrative Motion
 13 (Dkt. No. 161) are hereby taken off calendar and all dates associated therewith are vacated;

14 IT IS FURTHER STIPULATED AND AGREED that, subject to Court approval, in the
 15 event that the Parties do not enter into a settlement prior to the April 5, 2018 settlement
 16 conference, the new filing and briefing schedule for Plaintiffs' motion for class certification shall
 17 be reset as follows :

Event	New Deadline
Deadline to Re-File Motion for Class Certification	April 13, 2018
Deadline to File Opposition to Motion to Certify	May 11, 2018
Deadline to File Reply in Support of Motion to Certify	June 1, 2018
Class Certification Hearing	June 12, 2018 at 2:00 pm [or such other date convenient for this Court]

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STIPULATION TAKING CLASS CERTIFICATION MOTION OFF CALENDAR AND TO
SET BRIEFING SCHEDULE

1 DATED: February 9, 2018

KELLEY DRYE & WARREN LLP

2 Lauri A. Mazzuchetti
3 Jeffrey S. Jacobson
4 Lee S. Brenner
5 Glenn T. Graham
6 Catherine D. Lee

7 By: /s/ Lauri A. Mazzuchetti

8 Lauri A. Mazzuchetti
9 Attorneys for Defendants Sunrun Inc. and
10 Clean Energy Experts, LLC

11 DATED: February 9, 2018

PARISI & HAVENS LLP

12 David C. Parisi
13 Suzanne Havens Beckman
14 PARASMO LIEBERMAN LAW
15 Yitzchak H. Lieberman
16 Grace Parasmo

17 By: /s/ David C. Parisi

18 David C. Parisi
19 Attorneys for Plaintiffs

20 Pursuant to Local Rule 5-4.3.4(a)(2)(i), I attest that all other signatories listed, and on
21 whose behalf the filing is submitted, concur in the filing of this stipulation and have authorized the
22 filing of this stipulation.

23 DATED: February 9, 2018

KELLEY DRYE & WARREN LLP

24 Lauri A. Mazzuchetti
25 Jeffrey S. Jacobson
26 Lee S. Brenner
27 Glenn T. Graham
28 Catherine D. Lee

By: /s/ Lauri A. Mazzuchetti

Lauri A. Mazzuchetti
Attorneys for Defendants Sunrun Inc. and
Clean Energy Experts, LLC